

Notice of Allowability

Application No.

09/929,204

Examiner

Donald L. Storm

Applicant(s)

SAINDON ET AL.

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMENDMENT AND RESPONSE TO OFFICE ACTION MAILED JUNE 14, 2004, filed August 16, 2005.

2. ☒ The allowed claim(s) is/are 21 and 24.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

Donald L. Storm
EXAMINER
AU 2654

11/5/05

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the Applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Mr. David A. Casimir, Attorney of Record, on October 24, 2005.

The application has been amended as follows:

IN AMENDMENT AND RESPONSE TO OFFICE ACTION MAILED JUNE 14, 2004, filed on August 16, 2005

Change the insertion point of one (1) amended paragraph of SPECIFICATION AMENDMENTS as written on the copy that is attached hereto.

IN THE DRAWINGS

Please insert the drawing numbered Fig. 1 that is attached on a separate sheet.

IN THE SPECIFICATION

On page 7, after line 15, insert the following two (2) paragraphs:

DESCRIPTION OF THE FIGURE

Figure 1 shows a schematic representation of one embodiment of the systems of the present invention.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

The Applicant's AMENDMENT AND RESPONSE TO OFFICE ACTION MAILED JUNE 14, 2004, filed on August 16, 2005, has been entered. An action continuing examination on the merits follows. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

3. On page 3 of AMENDMENT AND RESPONSE TO OFFICE ACTION MAILED JUNE 14, 2004, filed on August 16, 2005, an amendment is directed to page 7, line 17 of the specification. The directions for the entry appear to be defective, as inaccuracy in the page, paragraph, or line designated. See MPEP § 714.23.

The Examiner has found nearby pages and lines for which the requested amendments were probably intended as shown by the context. The Examiner has caused the paragraph to be entered in the specification at page 17, line 24 to page 18, line 8.

If the changes and/or additions by the Examiner are unacceptable to the Applicant, detailed instructions should be submitted as soon as possible. An amendment may be filed after final rejection as provided by 37 CFR 1.116. An amendment may be filed after allowance as provided by 37 CFR 1.312 (and MPEP § 1303.01).

Allowable Subject Matter

4. Claims 21 and 24 are allowed. The claims have been renumbered for printing to be claims 1 and 2.

Response to Arguments

5. The prior Office action, mailed June 14, 2004, requires corrected drawings, objects to the drawings, and rejects claims under 35 USC § 112. The Applicant's arguments and changes in AMENDMENT AND RESPONSE TO OFFICE ACTION MAILED JUNE 14, 2004, filed August 16, 2005, have been fully considered with the following results.

6. With respect to objection to the drawings, the Applicant's argument appears to be that the pending drawings should be canceled because they relate to embodiments that are not currently claimed and no drawing is necessary for full understanding of the invention currently claimed.

The Applicant's arguments have been fully considered and they are persuasive. The objection under 37 CFR § 1.83(a) no longer applies because the drawings have been canceled.

7. With respect to rejections of claims under 35 USC § 112, the rejections no longer apply because the claims have been canceled.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Art Unit 2654, whose telephone number is (571) 272-7614. The examiner can normally be reached on weekdays between 8:00 AM and 4:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours

of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

DLS

Donald L. Storm
November 3, 2005

Donald L. Storm

EXAMINER
AU 2654

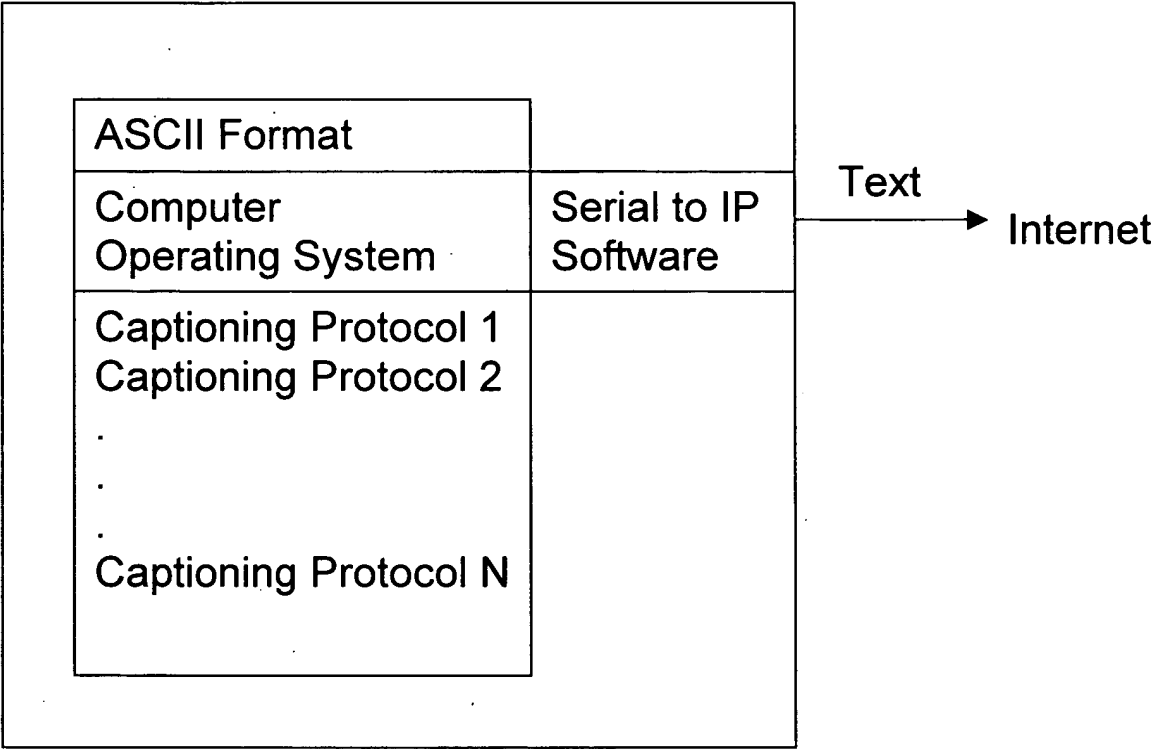


FIG. 1